Preser

App. F. IX-4

Previous References 1934 (Mis Rai)

File No. 180 3

Serial Nos. 1 - 5

Later References.

Mufy 170-37(1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5

Part B for March 1935

SUBJECT.

Appeal petition of Mr K Nagabhushana R
of Kasarvalli Amin the halli Dk re reserve
Forest dues by him in respect of Sri Sameswara
Swami temple at the place

To Mr D Vasudeva Murthy
Advocate
Bangalore City

WD 01965—GPB—15,000—7-7-34

No 1200 F 9-3-35

Regarding above appeal

(Mfy The Mis Conn 12 2 9 3/3

re K Nagabhushanarao of Kasarvalli - Tirthahalli Taluka - for reserve Inam due by him in respect of Sri Sothneswara Swami temple at the place.

General and Revenue Secretariat

[App. F. III—2

File No. 180 of 1934-5

Serial No.	
1	Petition dt 6.10.34 filed by the R. Vasudevamurthy Advocate on behalf of his client re K. Nagabhushana Rao of Kasarvalli appealing against the order No R. Dis 222/33-34 dt 12.6.34 of the Muzrai commissioner in the matter of the Reserve payable by the petitioner for the benefit of the Institution referred to therein.
2	Another petition presented by the Advocate on the same day requesting that the delay in preferring the appeal be kindly condoned for reasons set forth therein.

1) The pet^{n} is sufficiently stamped. The order of the m.c. appealed against is an official communication addressed to the D.C. Shimoga &c. It is not clear if a copy of this was sent to the pet^{r} on 12-6-34 or an Endt was issued to him. The time taken for communicating the order of the m.c. by the local officers will count for the delay in preferring this pet^{n}.

It is seen from the copy of the order appealed against that he has agreed to pay the reserve Inam due to the temple and has actually paid it for 1928-29. If the temple were his own and the lands in question were endowed by his ancestors as alleged in the pet^{n}, he would not readily agree to pay reserve as demanded. It is seen from

NOTE—Contn. Sheet

the order appealed against, the Valuator has undertaken to furnish - This is however a matter to be verified later on -

If admitted, the appeal may be admitted & the connected entire records called for & kept for perusal -

GS 18.10.34-mw 19/10

1) The records may be called for

19/10/34

Ch: Secy)

2) R2
23/10/34.

Memo of forwardal post may be on P.W.D is for kind signature -

GS 23/10 mw 24/10.

Petition sent to M.C with no 60782 for submission of records connected with the case -

Letter no K.C. 53/34-35 & 66/1/35 from the Muzrai Commissioner forwarding records connected to the appeal -

The order appealed against is about fixing a reasonable reserve based on the present income of the temple lands & above leasing out the Inam lands in the event of the pet[n] failing & the reserve as fixed by the authorities

Serial No.

The appeal for instead of continuing himself about the points raised upon by the M.C. has given the ground of stating in the appeal memo that Govt. have no jurisdiction to interfere with the decision of the Inam lands & that he has to contain from the lowest Court possible — The order appealed against has been passed by the M.C. in the recommendation of the D.C. Shimoga Dt.

The arrears of revenue from the M.C. Contain a Scale passed on 11/3/1921 in which a revenue of Rs 361- has been fixed — The Amildar of Tirthahalli has on 1-3-22 reported that the pleader has for the 28-29 the revenue fixed & that the current years revenue demand only is due from the valuation.

The assessment is said to be levied for the repairs, improvements etc of the Institution & the pleader in the appeal is urging his claim to the benefits & the proceedings subsequent to it. From the D.C's report of 6/8/24, (that the Institution & mazrai are endowed with the rent lands & Dharmadarsis have been appointed. The Contention of the pleader appellant

11/2 D

Mus Appeals No of 34-35 1827

File No. 180 of 1934 | General and Revenue Secretariat

dated. Kind refee is invited to the note at pp made in the margin of pp 2 and 4 supra — vide page 3

1) The officer who drew up para 8 to 10 clearly explains the case. The appellant has evidently no case. He is for orders whether the case may be posted for hearing or the appeal rejected.

22/2/35

Ch: Secy) Please speak

RR
23/2/35

2) I think there is no case for an appeal. Please see note of 2nd March above

RR
2572
25/2

3) 3/3

RR
4/3/35
5/3

4) 18 Mr. dictated
19) Done 6/3

No 1200 dated 3.3.35 to Mr B. Vasudeva Moorthy Advocate for the petitioner intimating that the appeal petition filed by him is rejected for reasons stated therein

OFFICE OF THE SECOND MEMBER
2 MAR 1935
No. S/S.S.

827

General and Revenue Secretariat — File No. 180 of 1934 — [App. F. III–2

Serial No.	
	Memo no 1201 dt 9.3.35 — from K. Nagabhushanarao of Kasaravalli – Tirthahalli Taluk forwarding for his information a copy of the above.
	Memo no 1202 dt 9.3.35 — from the Muzrai Commissioner forwarding for information copy of the above and requesting records received with his letter no. H.C. 53 / 34-35 dt 8

B
9.3.35

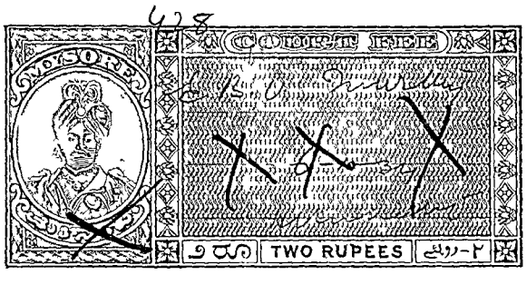
Note–Contn. Sheet.

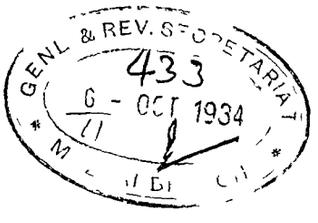
File No. of 193 .

General and Secretariat

Mog 180-34-1

(6)





Presented by Advocate's clerk
6/10/34

She Someswara swamy Temple (This is wrongly noted in the Revenue Commissioner's order copy as VOL I

(2)

Gen R Dis 222

have been worshipping in the temple and using the income ofthe lands and largely supplementing it with their own contributions as the income is insufficient.

3. That under thecircumstances the petitioner respectfully submits that in as much as the Puja is being performed regularly because it is the family God, there is no jurisdiction or necessity for the Government to interfere.

4. That the income being inadequate, there is no scope for any reserve being kept - separate; otherwise the income will be inadequate even for the current Puja being performed.

5. That all the reports of the lower Judicial and Revenue officials have it clear that the petitioner is getting the Puja performed - regularly and that he is supplementing the yield from thelands with his personal monies.

6. That at present the areca and paddy prices having fallen to 1/3rd of their former prices the strain on the petitioners purse is greater - for the Puja expenses being met.

7. That as the Pooja is his family Pooja, petitioner is gladly bearing the said expenses - and conducting the puja.

8. That in any view the petitioner respectfully submits that this Hon'ble Court could - not interfere having regard to the nature of the property and there being no mismanagement or -

wrongful alienation or [illegible] by interference by the Muzrai Department.

[illegible]

[illegible]

B Vasudevamurthy

[illegible]

No C 55/34-35

6/Muz & 25-10-34

Forwarded with Compliments to the Muzrai Commissioner for favour of submitting the records connected with the appeal

Very early

By order

24/10

For Chief Secretary to Govt

GS

Madras

The Mysore Commissioner/in
Mysore, Bangalore

To,

The Deputy Commissioner,
Shimoga District.

Dated 12-6-34
Ge. No. R. Dis 222/33-34.

Sir,

Subject:-

Treatment of lands endowed to Sri Subrahmanyaswami temple at Kasavalli in Tirthahally Taluk.

With reference to your letter No. Mysr. C. 1086/32-33 dated 6-3-1934 requesting instructions as to whether a reference has to be made to the District Judge's Court under section 13 of the Mysore Religious and Charitable Institutions Regulation or whether the lands may be treated as Pudavat lands, I have the honor to state that Section 13 of the Mysore Religious & Charitable Institutions Regulation is not applicable to this case as there is no dispute about any trust. The interpellation put on the remarks in the inam Statement and the Sannad do not seem to be correct for the words "Devasthana" occurring only mean a grant for the worship of the deity. The Vahivatdar agreed to give a reserve fund and paid it also until 1928-29.

In view of the above circumstances I request that a reasonable

10

reserve based on the.

may be fixed and of.

refuses to pay it,

to take possession of the

lease them out to the best advan

3 The connected records

returned.

I have the honor to be,

Sir

Your most obedient Servant

Sd/ N. Madhavarao

Mus: Commissioner

Copy applied for by Dr V. B. Vasudeva Murty on 30/8/34

Copy ready on 3-9-34

delivered on 4-9-34

No. of words 140.

Copying fees 0-4-0

Comparing " 0-1-0

0-5-0.

Copied by S. Jagannadha Rao

Compared by G. Srinivasa Rao

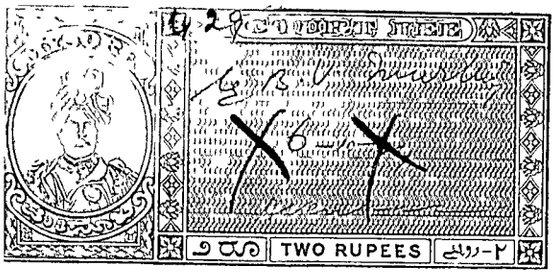
"Copy"

V. Venkamma Bhatta

4.9.34

Off. Manager

Mus. Commrs Office



ವಕಾಲತ್ ನಾಮೆ.

Before the Govt. ಕೋರ್ಟಿಗೆ

ಸನ್ 19 —19 ನೇ ಇಸವಿ ನಂಬರು

ವಾದಿ (ಅರ್ಜಿದಾರ್.) ಪ್ರತಿವಾದಿ (ಎದುರರ್ಜಿದಾರ.)

Narasimhaiah &c. — Vs. — ——

ಶಿವಮೊಗ್ಗಾದಲ್ಲಿರುವ ಅಡ್ವೊಕೇಟ್

ಮಾ॥ ರಾ॥ ಟಿ. ವೆಂಕಟಸುಬ್ಬಾಶಾಸ್ತ್ರಿ, ಬಿ. ಎ., ಎಲ್ಎಲ್. ಬಿ., ಇವರಿಗೆ.
B Vasudeva Murthy & Ors

ಒಪ್ಪಿಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ತಾವು ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಮೊಖದ್ದಮೆ ನಡೆಸುವುದಕ್ಕೂ ಅರ್ಜಿ ನಗೈರೆ ಕೊಟ್ಟು ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಗೂ, ಡಿಕ್ರಿ ಜಾರೀಕ್ರಮ ನಡೆಸತಕ್ಕ ಬಗ್ಗೂ, ದಸ್ತೈಜು ನಗೈರೆ ತೆಗೆದುಕೊಂಡು ರಶೀದಿ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ವಾಪಸಾಗತಕ್ಕ ದಾವಾ ಸ್ಟಾಂಪು, ಪ್ರೋಸೆಸ್ ಸ್ಟಾಂಪು, ಡಿಕ್ರೀಹಣ ಮತ್ತು ಸಾಕ್ಷಿಭತ್ಯ ಇತ್ಯಾದಿ ಇತರ ವಿಧವಾದ ಎಲ್ಲಾ ಪೊಬಲಗು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ಆದ್ದರಿಂದ ಈ ಭಾಗದಲ್ಲಿ ತಾವೇ ಆಗಲಿ, ತಮಗೋಸ್ಕರ ಇನ್ನಾವ ಆಮುರೇ ಆಗಲಿ ನನಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ದನಾಗಿರುತ್ತೇನೆ.

ತಾ. 6/X/ 1934 ರುಜು: H. [illegible]

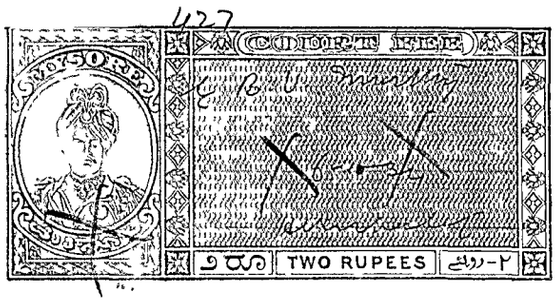
Accepted.
B Vasudevamurthy
Advocate.

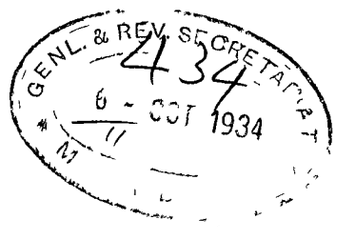
ಈ ಮೊಖ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು; ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ನಾಗಪ್ಪಯ್ಯ ಶ್ಯಾ॥ ಕಾಶರವಳ್ಳಿ ೨—
ಪಟೇಲ್ ಆಧವಾ ಶ್ಯಾನುಭೋಗರ ರುಜು.

ಶ್ರೀ ಕೃಷ್ಣ ಮುದ್ರಾಕ್ಷರಶಾಲಾ, ಶಿವಮೊಗ್ಗೆ.

MRog 180-34-2





12

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Muzrai Appeal No. of 34-35.

Presented by Advocate's clerk 6/10/34

Petitioner:

K. Nagabhushana Rao, residing at Kasaravalli, Thirthahalli taluk.

Subject-matter:

In the matter of the lands endowed to Sri. Someswaraswami Temple at Kasaravalli in Thirthahalli taluk.

For reasons sworn to in the accompanying affidavit, the appellant prays that the delay in the filing of the above appeal may be condoned.

B. Vasudevamurthy

Advocate for Appellant.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Muzrai Appeal No. of 34-35.

Petitioner:-

K. Nagabhushana Rao, residing
at Kasaravalli, Thirthahalli taluk.

Subject-matter:

In the matter of the lands endowed to Sri. Someswara Swami Temple at Kasaravalli in Thirthahalli taluk.

Affidavit.

I, B.S. Appu Rao, aged 35 years, Land-lord, residing at Kasaravalli, Thirthahalli taluk solemnly affirm and beg to state on oath as follows:-

1. I am the brother-in-law of the Petitioner. The petitioner is ill and is unable to go over to Bangalore. I am aware of the facts, circumstances and the conduct of the proceedings out of which this appeal arises. I am, therefore, swearing to this affidavit.

2. The appellant had requested Mr. Venkatasubba-Sastri, Advocate, Shimoga, who conducted the case in the lower Court to obtain copies of the order and arrange for preferring the appeal. Before the appeal could be preferred he unfortunately lost his wife at Shimoga and was unable to go over to Bangalore, to

P.T.O.

arrange to take delivery of the copies, which had been obtained on 4th September 1934 and to arrange for the filing of the appeal. The delay in filing the appeal was thus caused by this aforesaid unfortunate calamity to Mr. Venkatasubba Sastri and was not wilful.

3. The appellant will be put to great hardship and serious loss if for no fault of his, this delay is not condoned.

03 J. appu Rao

Petn Brought in

6.10.34

MUS 180 -34 - 15

O. No 55 Rue 2 files 84-35 OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE

Dated, Bangalore,... 16 193

FROM

~~N. MADHAVA RAO, ESQ., B.A., B.L.,~~
Muzrai Commissioner in Mysore.

CHIEF SECRETARY. MUS. 16 JAN. 1935

P.C.V. SECRETARIAT 827 17 JAN

.....
Secretary to the Government of His Highness the Maharaja of Mysore,

.....*Department.*

SIR,

N V Ananta Saranam
Asst.

16

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 7th March 98

No. 1200
Mg 180 -34-5

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

Mr. B.Venkatavaradarth, , B.A., B.L.,
Advocate, Chickpet,
Bangalore City.

Dear Sir,

With reference to petition dated 6th October 1904 filed by you on behalf of Mr. Nagabhushana Rao of Kusavalli, Nirthadalli Taluk appealing against the order dated 18th June 1904 of the Mysore Commissioner in the matter of fixing assessment to remove based on the present income from lands etc., enclosed to Srinivasavaradachariar and returned herewith. I am directed to inform you that the appeal is rejected as there are no reasons to interfere with the orders of the Mysore Commissioner in the matter.

Yours faithfully,

For Chief Secretary to Government.

Section Mu3

File No. 180-34

Serial No. 5

Diary No. of letter replied to 433

No. 1200

To

Mr. B. Vasudeva Moorthy B.A. B.L.B.

Advocate. Chamarajpet.

Bangalore ci

General and Revenue Secretariat

( )

the 193 .

Dear Sir,

Date of issue 9/3/35

Signed by M. Venkatakrishnaiya

Your letter dated 6.10.34 filed by you on behalf of Mr. K. Nagabhushana Rao & Kasaravalli Timmahalli Vs appealing against the order of the Dy. Commr. in the matter of fixing a reasonable rent based on the present income from lands of the endowed Sri Sri Sri Sheshadri Swamy Temple at the place,

List of enclosures .....

Copied by .....

I am directed to inform you the appeal is rejected as the [illegible] are not [illegible]

Examined by .....

Yours faithfully

6/3

~~For the Sec~~

1201 & 2 — 3-35 —

Copy to Mr K. Nagaiahchanarao

residing at Kasarvalli Tirumalai T.V.

R. O

6/3

~~For the Sec~~

1202 Encl 1 + 2 files & 2-3-35-

Copy to M.C. for information &

~~the~~ records received with his

letter no 05/34-35 dt 6/1/35.

~~are hereto returned.~~

R. O

6/3

~~For the Sec~~

Ans

6.3 6/3/35